

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address <b>Mark S. Horoupian</b> (CA Bar No. 175373) mhoroupian@sulmeyerlaw.com <b>Steven F. Werth</b> (CA Bar No. 205434) swerth@sulmeyerlaw.com <b>SulmeyerKupetz</b> , A Professional Corporation 333 South Hope Street, Thirty-Fifth Floor Los Angeles, California 90071-1406 Telephone: 213.626.2311 Facsimile: 213.629.4520  <input type="checkbox"/> <i>Individual appearing without attorney</i> <input checked="" type="checkbox"/> <i>Special Litigation Counsel for Power Balance, LLC</i>	FOR COURT USE ONLY
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION</b>	
In re:  <b>POWER BALANCE, LLC</b> , a Delaware limited liability company   <div style="text-align: right;">Debtor(s).</div>	CASE NO.: 8:11-bk-25982 TA  ADVERSARY CASE NO.: 8:13-ap-01370-TA  CHAPTER: 11
<b>POWER BALANCE, LLC</b> , a Delaware limited liability company,   <div style="text-align: right;">Plaintiff(s).</div> <div style="text-align: center;">vs.</div> <b>MERCURY PUBLIC AFFAIRS LLC</b> , a Delaware limited liability company,   <div style="text-align: right;">Defendant(s).</div>	<div style="text-align: center;"> <b>UNILATERAL STATUS REPORT LBR 7016-1(a)(2)</b> </div> <div style="margin-top: 10px;">           DATE: May 29, 2014            TIME: 10:00 a.m.            COURTROOM: 5B            PLACE:                411 West Fourth Street                Santa Ana, California 92701         </div>

TO THE HONORABLE THEODOR C. ALBERT, UNITED STATES BANKRUPTCY JUDGE:

Plaintiff submits the following UNILATERAL STATUS REPORT in accordance with LBR 7016-1(a)(2):

**A. PLEADINGS/SERVICE:**

- |  |   |  |
|--|---|--|
| 1. Have all parties been served?   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 2. Have all parties filed and served answers to the complaint/counter-complaints/etc.? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 3. Have all motions addressed to the pleadings been resolved?                          | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 4. Have counsel met and conferred in compliance with LBR 7026-1?                       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

5. If your answer to any of the four preceding questions is anything other than an unqualified "YES," then please explain below (*or on attached page*):

This adversary proceeding has been settled.

**B. READINESS FOR TRIAL:**

1. When will you be ready for trial in this case?  
Plaintiff Defendant  
N/A in light of settlement.
2. If your answer to the above is more than four (4) months after the summons issued in this case, give reasons for further delay.  
Plaintiff Defendant  
N/A in light of settlement.
3. When do you expect to complete your discovery efforts?  
Plaintiff Defendant  
N/A in light of settlement.
4. What additional discovery do you require to prepare for trial?  
Plaintiff Defendant  
N/A in light of settlement.

**C. TRIAL TIME:**

1. What is your estimate of the time required to present your side of the case at trial (*including rebuttal stage if applicable*)?  
Plaintiff Defendant  
N/A in light of settlement.
2. How many witnesses do you intend to call at trial (*including opposing parties*)?  
Plaintiff Defendant  
N/A in light of settlement.
3. How many exhibits do you anticipate using at trial?  
Plaintiff Defendant  
N/A in light of settlement.

**D. PRETRIAL CONFERENCE:**

A pretrial conference is usually conducted between a week to a month before trial, at which time a pre-trial order will be signed by the court. [See LBR 7016-1.] If you believe that a pre-trial conference is not necessary or appropriate in this case, please so note below, stating your reasons:

Plaintiff

Pretrial conference ☐ is ☐ is not requested  
Reasons:

N/A in light of settlement.

Defendant

Pretrial conference ☐ is ☐ is not requested  
Reasons:

Plaintiff

Pretrial conference should be set after:  
(date) \_\_\_\_\_

Defendant

Pretrial conference should be set after:  
(date) \_\_\_\_\_

**E. SETTLEMENT:**

1. What is the status of settlement efforts?

This adversary proceeding has been settled.

2. Has this dispute been formally mediated? ☐ Yes ☐ No  
If so, when?

N/A in light of settlement.

3. Do you want this matter sent to mediation at this time? N/A in light of settlement.

Plaintiff

☐ Yes ☐ No

Defendant

☐ Yes ☐ No

**F. ADDITIONAL COMMENTS/RECOMMENDATIONS RE TRIAL:** *(Use additional page if necessary)*

This adversary proceeding has been settled.

Respectfully submitted,

Date: May 12, 2014

SulmeyerKupetz, A Professional Corporation  
Printed name of law firm

/s/ Steven F. Werth  
Signature

Steven F. Werth  
Printed name

Attorney for: Plaintiff, Power Balance, LLC

Date: \_\_\_\_\_

\_\_\_\_\_  
Printed name of law firm

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name

Attorney for: \_\_\_\_\_

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
333 South Hope Street, 35<sup>th</sup> Floor, Los Angeles, CA 90071

A true and correct copy of the foregoing document entitled: **UNILATERAL STATUS REPORT LBR 7016-1(a)(2)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On May 12, 2014, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Nancy S. Goldenberg: nancy.goldenberg@usdoj.gov

United States Trustee (SA): ustpreion16.sa.ecf@usdoj.gov

Steven F. Werth: swerth@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com; slee@sulmeyerlaw.com

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On May 12, 2014, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Theodor C. Albert  
United States Bankruptcy Court  
Ronald Reagan Federal Building  
411 West Fourth Street  
Suite 5085  
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on May 12, 2014, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Attorneys for Defendant Mercury Public Affairs LLC.:

Massimo Giogliano, Esq./Davis & Gilbert LLP: mgiogliano@dglaw.com

Tracy M. Clements, Esq./Keller, Sloan, Roman & Holland LLP: tclements@ksrh.com

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 12, 2014  
Date

Ann L. Sokolowski  
Printed Name

/s/ Ann L. Sokolowski  
Signature